THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

WRIT APPEAL NO. 1846 OF 2005

DATED: 04-10-2005

Between

M/s. Ramachandra Rice Mill, rep. by its
Lessee, Madupalli Usha, w/o Sri Parthasarathy,
Aged 35 years, R/o Racherla Road, Prathipadu,
Juvvalapalem Post, Pentapadu Mandal,
West Godavari District.

..... PETITIONER

And

A.P Eastern Power Distribution Co. Limited,
rep., by its Chairman and Managing Director,
Near Saraswathy Park, Daba Gardens,
Visakhapatnam and others.

..... RESPONDENTS

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THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLR MR. JUSTICE S. ANANDA REDDY

WRIT APPEAL NO. 1846 OF 2005

JUDGMENT: (per Sri B. Sudershan Reddy, J)

We find no merit in this appeal. The order passed by the learned single Judge, in our considered opinion, is not vitiated for any reason whatsoever since no rights of the appellant as such are determined by the order passed the learned single Judge. The learned Judge merely directed the appellant to avail the remedy of appeal which is admittedly available to it. We are not impressed by the submission made by the learned counsel for the appellant that the remedy of appeal is an onerous one since the entire disputed amount is required to be deposited. We cannot permit the appellant to bypass the statutory remedy on the ground that it is an onerous one. It is not as if the constitutional validity of the very provision requiring the appellant to deposit the amount is impugned in the writ petition. It is not possible to judicially review the impugned orders of provisional as well as final assessments since the

same requires adjudication of disputed questions of fact. The forum of appeal is the effective remedy.

The Writ Appeal fails and shall accordingly stand dismissed.

(B. Sudershan Reddy, J)

04-10-2005

(S. Ananda Reddy, J)

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